

Zoning Commission Minutes

March 28, 2013

3:00 pm

Chairman Russ Hoff called the meeting of the Stark County Zoning Commission to order. Chairman Hoff, Kurt Froelich, Larry Messer, Sue Larsen, Klayton Oltmanns, Chuck Steffan and Duane Grundhauser present and absent were Gene Jackson and Jay Elkin. Also present were Planner Steve Josephson, States Attorney Tom Henning and Bill Fahlsing.

Kurt Froelich moved to approve the minutes from the February 28, 2013 meeting. Duane Grundhauser seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from April Tormaschy. The request was for a zoning change from Agricultural to Rural Residential in the SE4 Section 34, Township 140, Range 94 containing approximately 9.98 acres. Chairman Hoff asked for anyone to speak for or against the zoning change. Discussion was held that the lot could not be split due to the size of the lot. Chairman Hoff closed the public hearing.

Chuck Steffan moved to recommend to the Stark County Board of Commissioners the approval of a zoning change from Agricultural to Rural Residential following the staff recommendations for April Tormaschy.

STAFF RECOMMENDATION: Approval of the proposed rezoning based upon the following finding:

- The proposed rezoning is consistent with the development pattern in the vicinity.

The request is consistent with the following objectives of the Stark County Comprehensive Plan:

- LAND USE-Strive to protect the agricultural integrity of rural areas; and
- LAND USE-Avoid conflicts between land uses.

Kurt Froelich seconded. Roll call vote. All voted Aye and the motion carried.

A request for a Minor Subdivision of the rearrangement of Lots 3, 5, and 6 in the Norwegian Creek Subdivision, Section 16, Township 139, Range 99 was made by Boyd and Sons Construction, LLC. Applicant will maintain the private road and contact 9-1-1 office for the naming of the road. Kurt Froelich moved to approve the Minor Subdivision following the staff recommendations for Boyd and Sons Construction, LLC.

STAFF RECOMMENDATION: Approval of the proposed minor plat received by the County Planner on March 25, 2013.

Duane Grundhauser seconded. All voted Aye and the motion carried.

A request for a preliminary plat, First Repat of the Norwegian Creek Subdivision, Lots 3, 5, 6, 8, 9 and 11-13 Section 16, Township 139, Range 99 was made by Boyd and Sons Construction, LLC. Discussion was held regarding approaches, signage and dust control. Steve Josephson advised 38P Street SW will be a cul-de-sac and built to county standards

for emergency vehicles. Duane Grundhauser moved to approve the preliminary plat, First Repat of the Norwegian Creek Subdivision, Lots 3, 5, 6, 8, 9 and 11-13 Section 16, Township 139, Range 99 following the staff recommendations for Boyd and Sons Construction, LLC.

STAFF RECOMMENDATION: Approval of the proposed preliminary plat received by the County Planner on March 26, 2013.

Sue Larsen seconded. All voted Aye and the motion carried.

A request for a Conditional Use Permit for gravel pits, crushing and stockpiling in Section 4 Township 138, Range 91 containing approximately 638.78 acres was made by Aggregates Unlimited, LLC.

Larry Messer moved to approve the Conditional Use Permit for 30 acres for gravel pits, crushing and stockpiling in Section 4 Township 138, Range 91 following the staff recommendations for Aggregates Unlimited, LLC.

- a. **The location of the gravel pit shall be as generally shown on the drawing received on March 18, 2013.**
- b. **The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the Stark County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.**
- c. **All mining and excavation sites must have at least a 3-to-1 slope.**
- d. **The developer shall be responsible for all maintenance associated with the gravel pit facility.**
- e. **Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.**
- f. **The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.**
- g. **The applicant shall be responsible for dust control along the haul route.**
- h. **The applicant shall be responsible for implementing a Weed Control Plan as prescribed by the Weed Control Officer for all new and invasive and noxious weeds as prescribed by the North Dakota Century Code. The applicant shall provide a copy of the Weed Officer's report and required weed control plan to the Stark County Zoning Administrator.**
- i. **The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.**
- j. **The applicant shall post a bond in an amount to be determined by the County Commission**
- k. **Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County**

Planning and Zoning Board and approval from the Stark County Commission.

- l. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- m. Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

Chuck Steffan seconded. All voted Aye and the motion carried.

A request for a Conditional Use Permit for gravel pits, crushing and stockpiling in Section 20, Township 139, Range 94 containing approximately 155.39 acres was made by Knife River Corporation-North Central.

Chuck Steffan moved to approve the Conditional Use Permit for 30 acres for gravel pits, crushing and stockpiling in Section 20 Township 139, Range 94 following the staff recommendations for Knife River Corporation-North Central.

- a. The location of the gravel pit shall be as generally shown on the drawing received on March 18, 2013.**
- b. The conditional use permit for the gravel pit shall expire one year from the date of issuance. The permit may be extended by the County Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.**
- c. All mining and excavation sites must have at least a 3-to-1 slope.**
- d. The developer shall be responsible for all maintenance associated with the gravel pit facility.**
- e. Prior to the beginning of operations, the applicant shall contact the County Road Superintendent and request an inspection of the gravel pit haul route.**
- f. The applicant shall contact the County Road Superintendent no later than November 1 to request a subsequent inspection of the gravel pit haul route.**
- g. The applicant shall be responsible for dust control along the haul route.**
- h. The applicant shall report to the Zoning Administrator if the gravel pit operation is no longer in use. Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted with natural protected vegetation.**
- i. The applicant shall post a bond in an amount to be determined by the County Commission**
- j. Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**
- k. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the**

Planning and Zoning Board or the County Commission for the issuance of the permit.

- 1. Development and operation of the gravel pit shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

No operations shall occur until a Weed Control Plan address new and invasive and noxious weeds, as prescribed by the North Dakota Century Code, is approved by the County Weed Control Officer.

Kurt Froelich seconded. All voted Aye except Chairman Hoff voted Naye. Motion carried.

Steve Josephson, County Planner, will present revisions to the gravel pit section of the Zoning Ordinance at the next Zoning Board meeting.

Kurt Froelich moved to adjourn. Duane Grundhauser seconded.